



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration
of
Hazardous Waste Site Cleanup Professionals**

MINUTES
of
BOARD MEETING
Held on
March 27, 2012

Meeting Location: MassDEP Central Regional Office
627 Main Street
Worcester, MA

Prepared by: T. Wood
[Approved: May 15, 2012]

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on January 24, 2012
3. Application Dockets
4. E-mail with attachments from expired LSP requesting a waiver to return to active status
5. Renewal dockets
6. Memo from Terry Wood to the Board regarding possible regulation amendments with attachments

1. **Call to Order:** Elizabeth Callahan called the meeting to order at 2:05 p.m. The other Board members present were Deborah Farnsworth, Kirk Franklin, Debra Listernick, Kelley Race, and Farooq Siddique. Board members absent: Gail Batchelder, Jack Guswa, Christophe Henry and Robert Luhrs. The LSP Board staff members present were Lynn Read, Beverly Roby, Al Wyman and Terry Wood. Also present were Wendy Rundle, the Executive Director of the LSP Association (LSPA), and Wes Stimpson.
2. **Announcements:** Mr. Wyman stated that this month marked the two-year anniversary of Brian Quinlan's death and that he and other staff missed him.
3. **Agenda:** Ms. Race asked that an item be added to the agenda as item 11.D. Staff member's roles and responsibilities.

At approximately 2:08 p.m., MassDEP Commissioner Kenneth Kimmell arrived at the meeting. He stated that he first wanted to make some public comments before asking the Board to go into Executive Session. Commissioner Kimmell stated that he wanted to give the Board an update on the reform initiatives going on at MassDEP. He also wanted

to emphasize the importance of the LSP Board. He stated that he hopes the Board members have been keeping up with the regulatory reform efforts going on at MassDEP including the effort to simplify both Activity and Use Limitations and the tier-classification process for sites. He said that the Department is working on an updated vapor intrusion policy, including how to deal with sites that have active remedial systems, and is also working on simplifying the hazardous waste site terminology. He stated that he recognizes the importance of the Board's role in the privatized program to uphold good licensing and disciplinary review procedures. He added that he wants the LSP Board to serve as a model of a privatized program that could possibly be emulated by other departments at MassDEP as regulatory reforms are considered.

4. **Enter Executive Session:** A motion was made and seconded that the Board enter into Executive Session for the purpose of discussing a personnel matter and thereafter to return to public session. The motion was approved 6-0 on a roll call vote. Ms. Callahan conducted a roll-call vote. Each member present voted as follows:

Ms. Callahan	Aye	Ms. Race	Aye
Ms. Farnsworth	Aye	Mr. Siddique	Aye
Mr. Franklin	Aye		
Ms. Listernick	Aye		

At approximately 2:44 p.m., the Board entered into Executive Session.

5. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on January 24, 2012. A motion was made and seconded to approve the draft minutes as written. The motion was approved unanimously.
6. **Decisions Regarding Licensing of Applicants:** The staff presented the following Application Dockets:

New Application Docket Number 1:

ID #	Applicant Name/Company Name	ARP #	REC.
9814	Eric D. Henry/Kleinfelder East, Inc. in CT	242	A
2692	Catherine Johnson/ GEI Consultants, Inc.	242	A

A motion was made and seconded to accept the recommendations from Application Review Panel #242, i.e., that the applications submitted by Mr. Henry and Ms. Johnson be approved and that they be found eligible to take the exam. The motion was approved unanimously.

7. **License Renewal Applications:**

A. **Renewal Dockets.** The staff presented the following License Renewal Dockets:

Renewal Docket #1

Renewal Date: January 30, 2012

New Renewal Date: January 30, 2015

Has completed all requirements for renewal:

LSP #	First	Middle	Last
1978	David	G.	Billo
2075	Timothy		Condon
2509	Amy	A.	Roth
3049	Daniel	E.	Walsh
4003	Stefan	C.	Sokol
4270	Paul	C.	Hunt, Jr.
4879	Kevin		Trainer
6466	Lewis	S.	Streeter
6696	Craig	R.	Ellis
7416	James	B.	Connolly
7669	Donna	H.	Pallister
8188	Jarrold		Yoder
9867	Stephen	S.	Parker
2950	T. Lawrence		Hineline

Renewal Docket #2

Renewal Date: March 7, 2012

New Renewal Date: April 30, 2015

Completed requirements within 90-day extension:

LSP #	Last Name	First Name
9490	Duffield	Thomas A.

Renewal Docket #3

Renewal Date: January 30, 2012

New Renewal Date: April 29, 2012

Has requested a 90-day extension:

LSP #	LSP Name
8559	Silverstein, Irwin
9755	Feshbach-Meriney, Paul

8. Other Licensing-Related Matters:

- A. New Panel Assignments and Scheduling.** The following Board members were assigned to Application Review Panel #243: Ms. Callahan, Mr. Franklin and Ms. Race. The following Board members were assigned to Application Review Panel #244: Ms. Listernick, Mr. Siddique and Ms. Farnsworth.
- B. Appeals Status Report.** Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.
- C. Inactive Status Report.** The staff reported that a total of 5 LSPs are currently on Inactive Status.
- D. Waiver request from LSP whose license lapsed after being on inactive status for more than two years.** Ms. Wood stated that an LSP had made a petition for waiver of 309 CMR 9.02 that states an LSP may not remain on inactive status for longer than two years, after which time the LSP's license will lapse. This LSP went on inactive status as of January 15, 2010 but did not request to be placed back on active status as of January 15, 2012. The Board staff sent the LSP a letter on February 22, 2012 informing her that her license had expired. In her waiver petition, the LSP requested that she be allowed to return to active status without being required to reapply or take the LSP exam as required by 309 CMR 9.02.

In an e-mail to the Board, the LSP explained that she had mistakenly believed that her license would automatically revert from inactive back to active status at the end of the two years. She added that she has continued to take continuing education courses during the time she was on inactive status and needs only a total of eight more credits to renew, and she has paid her annual fee. Mr. Wyman pointed out that, at the time the LSP went on inactive status, the LSP had two years and fifteen days remaining in her license renewal cycle. While an LSP is on inactive status, the time in that LSP's renewal cycle is stopped.

The Board discussed the LSP's petition for waiver. After some discussion, a motion was made and seconded that the LSP's waiver petition be granted so that she may

return to active status without having to reapply or take the exam and that the two years and fifteen days remaining in her renewal cycle start to run from January 15, 2012, her original deadline to return to active status. The motion passed unanimously. Considering a majority of the full Board (6 out of 10) was present and all six Board members voted in support of the motion, the waiver petition was approved.

E. Total Number of Active LSPs. The staff reported that the total number of Active LSPs as of the date of this meeting was 540.

9. Examinations:

A. Dates of Next Exam: The staff report that the dates for the next administration of the exam have not yet been scheduled.

B. Discussion re: reconvening exam subcommittee. The Board members discussed that at the next meeting they would discuss who should be on the committee and the committee's goals.

10. Continuing Education Committee Report:

A. Course and Conference Approval Requests. Mr. Wyman reported that the Committee had met earlier in the day and had the following course recommendations to present to the full Board:

Sponsor: MassDEP
Course Title: Vapor Intrusion
Credits Requested: 1 DEP Regulatory Credit
Committee Recommendation: **Approve.**

Sponsor: MassDEP
Course Title: Regulatory Overview of MCP Remediation Waste Management: Regulations and Practical Applications
Credits Requested: 2 DEP Regulatory Credits
Committee Recommendation: **Approve.**

Sponsor: ECS
Course Title: Pioneer Valley's Post-Glacial Landscape
Credits Requested: 8 Non-DEP Technical Credits (This course was previously approved. The course instructor has asked approval to substitute 1.5 hours of homework for 1.5 hours of course contact time.)
Committee Recommendation: **Approve.**

Sponsor: LSPA

Course Title: Putting the Line on the Map: Issues Encountered in Defining the Boundaries of an MCP Disposal Site

Credits Requested: 2 Non-DEP Technical Credits

Committee Recommendation: **Approved on the condition that Ms. Callahan has a conversation with Duff Collins, one of the course presenters, about MassDEP's policy regarding disposal site boundaries.**

Sponsor: LSPA

Course Title: Expedited Site Assessment using Membrane Interface Probe (MIP) and Hydraulic Profiling Tool (HPT) Logging Technology

Credits Requested: 8 Non-DEP Technical Credits

Committee Recommendation: **Approve.**

Sponsor: LSPA

Course Title: Vapor Intrusion for LSPs: Investigation, Sampling and Mitigation Techniques

Credits Requested: 8 Non-DEP Technical Credits (This course had been previously approved. Presenter is requesting approval of a change in instructor.)

Committee Recommendation: **Approve.**

Sponsor: RTM

Course Title: Sustainable Property Transactions

Credits Requested: 50% non-DEP technical credits for time spent at the three-day conference.

Committee Recommendation: The Committee recommended that the Board approve the hours between 8:30 a.m. and 12 p.m. on the third day of the conference for 1:1 credit for a total of 3.5 credits. Pursuant to 309 CMR 3.09(7), an LSP must attend 100% of the time between 8:30 a.m. and 12 p.m. to receive any credit. The Committee did not recommend any credit for the first two days of the conference.

Sponsor: MassDEP

Course Title: Strategies for Tackling Brownfields Redevelopment Challenges

Credits Requested: 2 DEP Regulatory Credits (This course has been previously approved. Presenter is requesting approval of a change in instructor.)

Committee Recommendation: **Approve.**

A motion was made and seconded to accept the Committee's recommendations. The motion was approved unanimously.

B. Other Business

1. Request from the UMass Soils Conference Coordinator to Alter the Sign-in/Sign-out Procedure. Brenna Lockwood from the UMass Soils Conference

had requested that the sign-in procedures for LSPs at the conference be made consistent with the procedures required by all other agencies/programs (such as Connecticut LEPs, New York PEs and UMass CEUs). While these other agencies/programs required that course attendees sign in at all events (both workshop and session doors), LSPs are currently only required to sign in at the main desk during the day and at all workshop doors. Ms. Lockwood said that, in practice, when LSPs sign in only at the main desk, it is impossible to monitor what the LSPs actually do while at the conference and also makes it more difficult for the conference people to tally what sessions the LSPs actually attended. The Committee recommended that the sign-in procedures at the UMass Soils Conference be changed to require LSPs to sign in at each session and workshop.

A motion was made and seconded to accept the Committee's recommendation. The motion was approved unanimously.

11. **Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day, the Board agreed to forego a Committee report.

12. **Personnel, Budget, and Fees**

A. Personnel. The staff reported no personnel changes.

B. Budget. The staff reported no new developments with the budget.

C. Fees. The staff reported annual fees were still being collected.

D. Staff Roles and Responsibilities. The Board members requested that Ms. Roby prepare a memo outlining each staff member's role and responsibilities to be discussed at the next Board meeting.

13. **Status of Board Member Replacements by Governor:** Ms. Roby stated that she was preparing a Notice of Vacancy re: the open labor slot and was aware of how these matters had been handled in the past and was also mindful of Governor Patrick's Executive Order 526, concerning diversity. She stated she would meet with Elizabeth Callahan to get the process started. She added that the upcoming LSPA article that she authored provided an update re: the open labor slot.

14. **Other Business**

A. Update from LSP Course Subcommittee. Ms. Race stated that Mr. Guswa had indicated to her that he would prefer not to continue on this subcommittee. Mr. Franklin indicated that he would be interested in serving on the subcommittee. Ms. Race added that the subcommittee should reconvene in the near future to think about a course for the UMass soils conference in the fall.

B. Discussion regarding potential regulatory changes. The Board members suggested that Ms. Wood e-mail a word version of her draft regulation amendments out to the Board for review and comment. Once Ms. Wood receives edits, she will prepare a new draft memo that incorporates them for discussion at the next Board meeting.

C. Topic for the next LSP News. The Board suggested the staff could consult with Miss Rundle at the LSPA for suggestions.

15. Scheduling of Next Meeting: The Board plans to next meet in May, a specific date and location to be determined.

16. Adjournment: The meeting was adjourned at 4:00 p.m.